

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Kenneth J. Rutherford, Jr.,

Plaintiff,

v.

Case No. 1:15cv164

Warden, Southern Ohio Correctional  
Facility,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on June 15, 2015 (Doc. 20).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 20) of the Magistrate Judge is hereby **ADOPTED** consistent with the Recommendation by the Magistrate Judge. Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 7) is denied to the extent set forth in the Report and Recommendation (Doc. 20).

**IT IS SO ORDERED.**

s/Michael R. Barrett

Michael R. Barrett  
United States District Judge